



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

FEB 23 2005

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael K. Forde
Mayer, Brown, Rowe & Mawe LLP
190 South La Salle Street
Chicago, IL 60603-3441

RE: MUR 5406
Friends of Dan Hynes

Dear Mr. Forde:

On February 10, 2004, the Federal Election Commission (the "Commission") notified Friends of Dan Hynes ("FODH" or the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Chapters 95 and 96 of Title 26, United States Code. On February 1, 2005, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that Friends of Dan Hynes violated the 2 U.S.C. §§ 441a(a), 441b(a), 441c(a), 441e(a), or 441f.

The Commission did, however, find reason to believe that Friends of Dan Hynes violated 11 C.F.R. § 110.3(d) by transferring funds from a candidate's committee for a nonfederal election to the candidate's campaign committee for a federal election. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

The Commission admonishes FODH and reminds the Committee that transferring funds from a candidate's committee for a nonfederal election to the candidate's campaign committee for a federal election is prohibited by 11 C.F.R. § 110.3(d). Friends of Dan Hynes should take steps to ensure that this activity does not occur in the future.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the General Counsel's Report is also enclosed for your information.

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If you have any questions, please contact Adam Schwartz, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
General Counsel's Report

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